

**2003 BOARD OF SUPERVISORS CORRESPONDENCE
DOCUMENTS FOR COUNTY COUNSEL WEBSITE**

DATE	SUBJECT	AUTHOR	FORTNER/ MAIN	WEBSITE YES/NO
10/14/03	Status of Petition for U.S. Supreme Court Review in <i>Elk Grove Unified School District</i> <i>v. Newdow</i> (02-1624) - Constitutionality of the Pledge of Allegiance	Manual Valenzuela	RGF: 10/14/03	Yes



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October 14, 2003

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Syn. No. 39
03-25-03

TO: SUPERVISOR YVONNE BRATHWAITE BURKE, Chair
SUPERVISOR GLORIA MOLINA
SUPERVISOR ZEV YAROSLAVSKY
SUPERVISOR DON KNABE
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: LLOYD W. PELLMAN 
County Counsel

RE: **Status of Petition for U.S. Supreme Court Review in
Elk Grove Unified School District v. Newdow (02-1624) –
Constitutionality of the Pledge of Allegiance**

At your meeting of March 25, 2003, your Board directed my office to keep you apprised of the status of the petition for writ of certiorari filed with the United States Supreme Court by the Elk Grove Unified School District ("District") in the above-referenced case. The petition seeks review of the Ninth Circuit Court of Appeals February 28, 2003, amended decision which struck down the District's policy of requiring teachers to lead willing students in the Pledge of Allegiance ("Pledge") on a daily basis, as violative of the Establishment Clause of the United States Constitution.

This morning, the Supreme Court granted the District's petition for a writ of certiorari. In so doing, the Court limited its grant of review to the following questions: (1) Whether respondent has standing to challenge as unconstitutional a public school district policy that requires teachers to lead willing students in reciting the Pledge of Allegiance; (2) Whether a public school district policy that requires teachers to lead willing students in reciting the Pledge of Allegiance, which includes the words "under God," violates the Establishment Clause of the First Amendment, as applicable through the Fourteenth Amendment. Justice Scalia took no part in the consideration or decision of the petition.

Should you wish to obtain copies of the Supreme Court Order, please contact Principal Deputy County Counsel Manuel A. Valenzuela at (213) 974-0691. We will keep you informed of any further developments with respect to the petitions.

LWP:MAV:mag

c: David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors